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Date: October 18, 2004

To: E. Shirene Willis

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**Office of Petitions**

Client Matter#: 18903-2301

From: Stephen B. Deutsch

Sender's Number: (617) 832-1118

User #:

Total Pages Sent (Including Cover Sheet): 11

Office: Boston

Message

# Office of Petitions

Attention: E. Shirene Willis

Attached is a copy of our "Response to Decision on Applicant's Petition under 37 CFR Section 1.53(e) which was faxed to the USPTO on 2-25-04.

We await your Decision.

Sincerely

Stephen B. Deutsch Reg. No. 46,663

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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## JOB STATUS REPORT

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FOLEY  
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ATTORNEYS AT LAW

Fax

Date: February 25, 2004

Office of Petitions

To: E. Shirene Willis

Fax #: (703) 872-9306

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Client Matter#: STE-023.01 (18903-2301)

From: Jeffrey M. Sears

Sender's Number: 3022

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Total Pages Sent (Including Cover Sheet): 9

Office: Boston

Message

**OFFICIAL COMMUNICATION**  
**OFFICE OF PETITIONS**

Re: U.S. Patent Application No. 10/633,177

Filed: August 1, 2003

Attorney Docket No.: STE-023.01 (18903-2301)

Dear Sir or Madam:

Enclosed are the following:

1 Transmittal Form with Certificate of Facsimile Transmission (1 page):



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Fax

Date: February 25, 2004

Office of Petitions

To: E. Shirene Willis

Fax #: (703) 872-9306

Confirm#:

Client Matter#: STE-023.01 (18903-2301)

From: Jeffrey M. Sears

Sender's Number: 3022

User #:

Total Pages Sent (Including Cover Sheet): 9

Office: Boston

Message

## **OFFICIAL COMMUNICATION** **OFFICE OF PETITIONS**

Re: U.S. Patent Application No. 10/633,177  
Filed: August 1, 2003  
Attorney Docket No.: STE-023.01 (18903-2301)

Dear Sir or Madam:

Enclosed are the following:

1. Transmittal Form with Certificate of Facsimile Transmission (1 page);
2. Response to Decision on Applicant's Petition Under 37 C.F.R §1.53(e) (2 pages);
3. Copy of the Decision; (2 pages);
4. Copy of executed declaration; (1 page);
5. Copy of drawing sheets 3 and 4 showing Figures 5 and 6 (2 pages); and
6. This fax cover sheet (1 page).

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

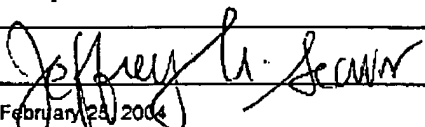
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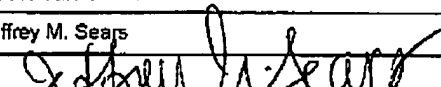
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/633,177	
	Filing Date	August 1, 2003	
	First Named Inventor	Kevin Gordon, Jr.	
	Group Art Unit	1734	
	Examiner Name	To be Assigned	
Total Number of Pages in This Submission	9	Attorney Docket Number	STE-023.01 (18903-2301)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Appointment of Power of Attorney and Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Decision on Applicant's Petition Under 37 CFR § 1.53(e); Copy of Decision; Copy of executed declaration; Copy of Figures 5 and 6; Fax Cover Sheet.
Remarks		Customer Number 25,181

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey M. Sears		
Signature			
Date	February 25, 2004		

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jeffrey M. Sears		
Signature		Date	February 25, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FHBoston/1017468.1

OCT 18 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin Gordon, Jr.

Serial No.: 10/633,177

Filed: August 1, 2003

For: Systems and Methods for Welding of Parts )

Group Art Unit: 1734

Examiner: Not Yet Assigned

Attorney Docket No.: STE-023.01

COPY

**RESPONSE TO DECISION ON**  
**APPLICANT'S PETITION UNDER 37 C.F.R. § 1.53(e)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: E. Shirene Willis

Dear Sir:

Applicant submits this Response in reply to the Decision of the Office of Petitions dated February 5, 2004 on Applicant's Petition under 37 C.F.R. § 1.53(e).

The Decision states that Applicant's Petition is incomplete because Applicant did not provide a copy of the executed declaration and drawing sheets 3 and 4 showing Figs. 5 and 6. The Decision also states that the present application will be retained in the Office of Petitions until copies of the omitted items are submitted.

As requested by the Office of Petitions, Applicant herewith submits a copy of the omitted items, i.e., the executed declaration and drawings sheets 3 and 4 showing Figs. 5 and 6.

Applicant's Attorney does not believe that a fee or an extension of time is required for consideration of this Response. Should a fee and/or an extension of time be required, however, Applicant's Attorney hereby petitions for same and requests that the fee required for consideration be charged to Deposit Account No. 06-1448, Reference STE-023.01.

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to Deposit Account Number 06-1448, Reference STE-023.01.

FHBoston/1017322.1

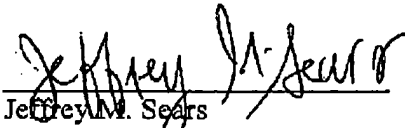
Should questions arise concerning this Response, please contact the undersigned.

Respectfully submitted,  
FOLEY HOAG LLP

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Date: February 25, 2004

Customer No. 25,181  
Patent Group  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210  
Tel: (617) 832-3022  
Fax: (617) 832-7000

  
Jeffrey M. Sears  
Reg. No. 48,440  
Attorney for the Applicant



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FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON MA 02110

Resubmit Petition w/docs  
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OFFICE OF PETITIONS

ON PETITION

In re Application of  
Gordon  
Application No. 10/633,177  
Filed: August 1, 2003  
Attorney Docket No. STE-023.01 (18903-2301)  
For: SYSTEMS AND METHODS FOR WELDING OF  
PARTS

This is a decision on the petition filed November 13, 2003 requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The application was filed on August 1, 2003. On October 30, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that an executed declaration and figures 5 and 6 as described in the specification appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner desires figures 5 and 6 to be accorded a filing date of August 1, 2003 on the basis that 4 pages of informal drawings were received in the Patent and Trademark Office (PTO) on August 1, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 1, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 pages of informal drawings and an executed declaration. A review of the application file reveals that there is no declaration present and there are only 2 sheets of drawing figures present, depicting figures 1, 2, 3, and 4.

The return postcard constitutes *prima facie* evidence that an executed declaration and 4 sheets of drawing figures were filed on August 1, 2003. MPEP 503.

Unfortunately, the instant petition is incomplete. Petitioner has not provided a copy of the executed declaration. Petitioner has not provided a copy of drawing sheets 3 and 4. The application cannot undergo further processing without a copy of the executed declaration and drawing sheets 3 and 4.

The application file will be retained in the Office of Petitions until copies of the executed declaration and drawing sheets 3 and 4 are submitted. Once the omitted documents are submitted and the petition is granted, the \$130.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account.

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FEB 10 2004

PATENT DEPT.

*Application No. 10/633,177*

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*Page 2*

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450  
ATTN: E. Shirene Willis

**By hand:** Crystal Plaza 1 Lobby  
2011 South Clark Place  
Room 1B03  
Arlington, VA 22202  
ATTN: E. Shirene Willis

**By FAX:** (703) 872-9306  
ATTN: Office of Petitions -- E. Shirene Willis

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

*E. Shirene Willis*

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☒ The attached application, or
- ☐ Application No. \_\_\_\_\_, filed on \_\_\_\_\_,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Kevin Gordon Jr.Signature: [Signature] Citizen of: United States

Inventor two: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

**Burden Hour Statement:** This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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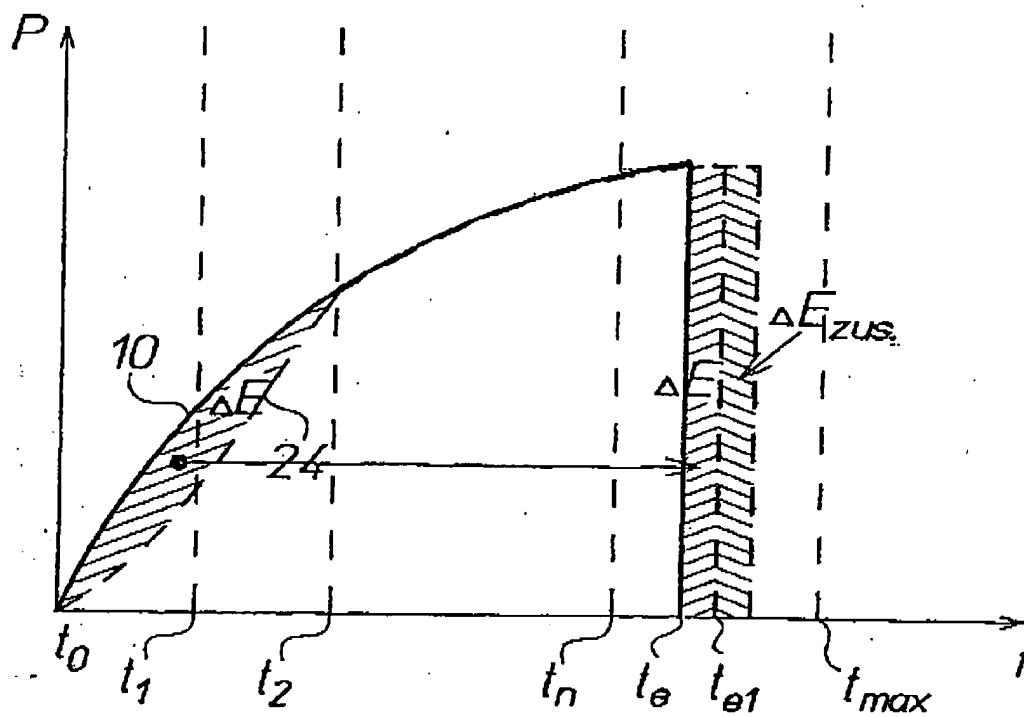


Fig.5

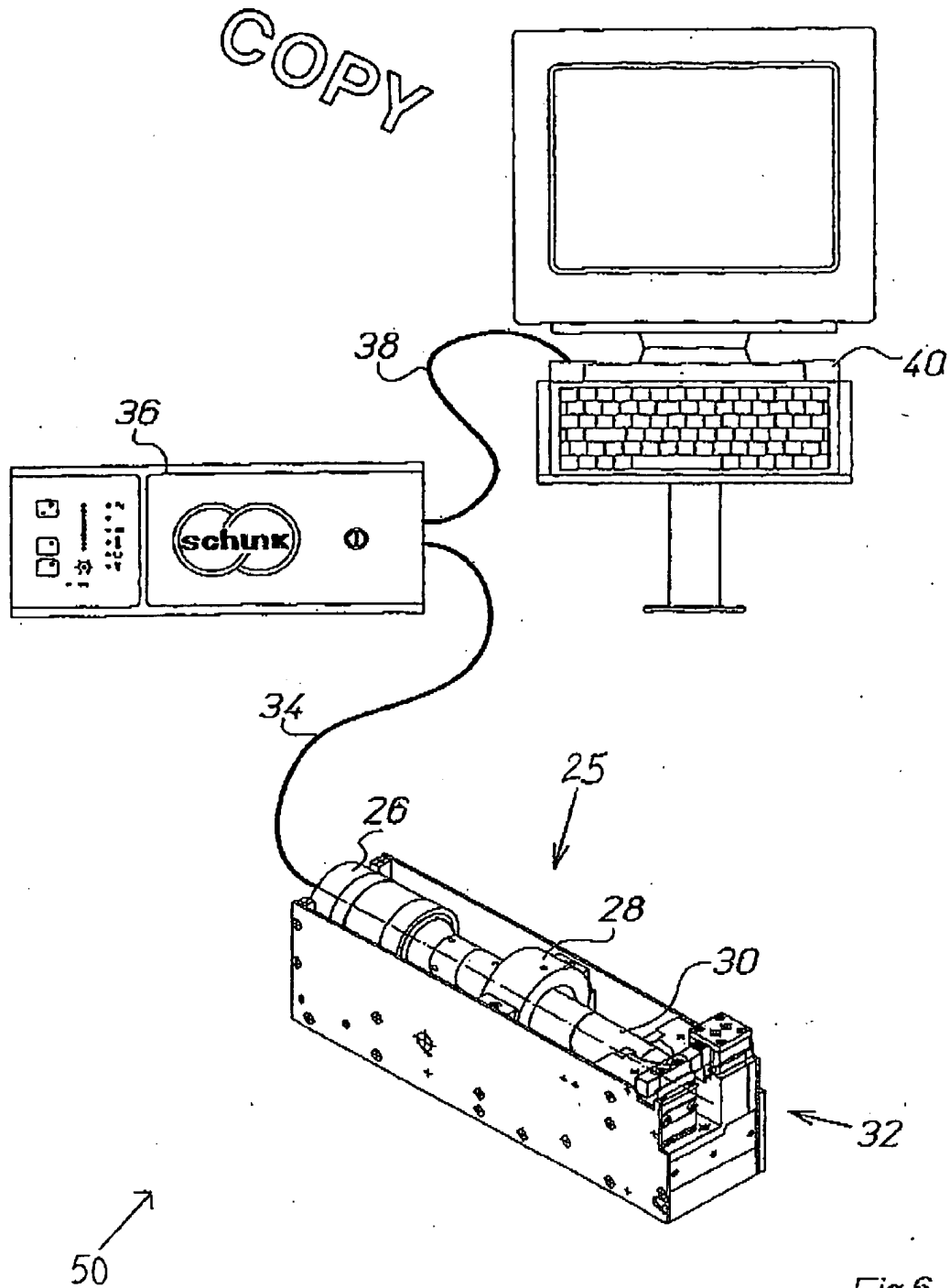


Fig.6